

## Message Text

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INFO OCT-01 ISO-00 SSO-00 NSCE-00 /031 R

DRAFTED BY L/EUR:DSMALL:RM

APPROVED BY C:HSNENFELDT

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L:MFELDMAN

S/S: JMEALUM

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TO USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY MOSCOW

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S E C R E T STATE 158957

EXDIS

E.O11652: GDS

TAGS: PFOR

SUBJECT: CSCE: PACKAGE DEAL FOR BASKET 3 PREAMBLE  
PROBLEM

REFS: A) GENEVA 4435; B) GENEVA 4575 (NOTAL); C) GENEVA  
4646

1. DEPARTMENT AGREES THAT NEUTRAL DRAFT CREATES PROBLEMS.  
WE WOULD MUCH PREFER TO HAVE "LEGAL OBLIGATIONS UNDER  
INTERNATIONAL LAW" RENDERED AS (A) "LEGAL OBLIGATIONS,"  
(B) "OBLIGATIONS UNDER INTERNATIONAL LAW" OR (C) "INTER-  
NATIONAL OBLIGATIONS," BUT THIS IS NOT MAKE OR BREAK ISSUE.  
PROBLEMS CREATED BY SECOND SENTENCE ARE MUCH REDUCED BY  
REDRAFT IN REF C. WE CAN ACCEPT PROVIDED THAT OPERATIVE  
LANGUAGE OF CSCE DECLARATION OF PRINCIPLES MAKES CLEAR THAT  
DECLARATION "GUIDES" BUT DOES NOT "BIND" (EXCEPT TO EXTENT  
THAT IT CORRESPONDS TO GENERALLY APPLICABLE RULES OF  
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INTERNATIONAL LAW WHICH EXIST INDEPENDENT OF THE DECLARA-

TION). IN FACT, WE FIND STATEMENT THAT "THEY WILL FURTHER-MORE PAY DUE REGARD TO AND IMPLEMENT THE PROVISIONS OF THE FINAL DOCUMENT(S) OF THE CSCE" HAS IMPLICATION THAT THESE DOCUMENTS DO NOT CONSTITUTE "OBLIGATIONS" WHICH WERE DEALT WITH IN PRECEDING SENTENCE. FURTHER, IF DECLARATION INCLUDES DISCLAIMER COVERING BERLIN AND GERMANY PROBLEMS, WE WILL BE MORE RELAXED ABOUT IMPLICATIONS THAT THE DECLARATION IS OTHERWISE BINDING.

2. GENEVA 4667 JUST RECEIVED AND UNDER STUDY. BEGIN FYI. OUR INITIAL REACTION IS THAT RUSSIAN TRANSLATION VERSION ("INTERNATIONAL OBLIGATIONS, ENACTED INTO LAW") COULD HAVE SERIOUS IMPLICATIONS FOR GENERAL INTERNATIONAL LAW, GOING FAR BEYOND NEUTRAL VERSION, WHICH IS AMBIGUOUS. WE WOULD EXPECT OTHER WESTERN PARTICIPANTS TO BE TROUBLED BY THIS LANGUAGE AS WELL. END FYI. AT JULY 23 INFORMAL MEETING, YOU SHOULD INDICATE THAT, WHILE WE COULD ACCEPT NEUTRAL PACKAGE AS WORDED BY NEUTRALS WE WOULD HAVE SERIOUS RESERVATIONS ON AND HAVE TO STUDY FURTHER THE DIVERGENT RUSSIAN TRANSLATION. KISSINGER

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## Message Attributes

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